

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

DUNCAN J. MCNEIL, III,) CASE NO. C05-1975-JCC
)
 Plaintiff,)
)
 v.) ORDER DENYING PLAINTIFF'S
) APPLICATION TO PROCEDE
) *IN FORMA PAUPERIS*
)
 UNITED STATES, et al.,)
)
 Defendants.)

Plaintiff Duncan J. McNeil, a prisoner incarcerated in Spokane County Jail, has filed an application to proceed *in forma pauperis* (IFP) in a civil suit. Dkt. 1. Plaintiff has been deemed a “vexatious litigant” in the Eastern District of Washington, the United States Bankruptcy Court for the Central District of California, and Spokane County Superior Court. *See McNeil v. Spokane County Jail, et al.*, No. C04-371-AAM (E.D. Wash.) (Dkt. 10). The Eastern District of Washington also dismissed with prejudice more than three complaints filed by plaintiff upon finding them frivolous and malicious, and entered a “pre-filing review order” imposing conditions on any future complaints submitted by plaintiff to that court. *Id.* at Dkts. 10 & 25.

Pursuant to 28 U.S.C. § 1915(g), a prisoner who brings three or more civil actions which are dismissed as frivolous, malicious, or for failure to state a claim, will be precluded from bringing any other civil action IFP unless the prisoner is under imminent danger of serious physical injury. Accordingly, because plaintiff has litigated more than three prior actions that

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1 were dismissed as frivolous and malicious, and because he does not allege, nor is there any
2 indication he is under imminent danger of serious physical injury, he may not proceed in this
3 action without paying the full filing fee.

4 It is therefore ORDERED:

5 (1) Plaintiff's application for leave to proceed IFP (Dkt. #1) is DENIED.

6 (2) This action shall proceed only if plaintiff pays the applicable filing fee within
7 **thirty (30)** days after entry of this Order.

8 (3) The Clerk shall furnish copies of this Order to plaintiff and to the Hon. Monica
9 J. Benton.

10 DATED this 9th day of January, 2006.



11
12
13 UNITED STATES DISTRICT JUDGE

14 Recommended for Entry
15 This 9th day of December, 2005.

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17 /s/Monica J. Benton
18 MONICA J. BENTON
19 United States Magistrate Judge
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